

PATENT
Customer No. 22,852
Attorney Docket No. 6530.0272-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Jeffrey M. WENDLANDT et al.) Group Art Unit: 3742
)
Application No.: 10/722,141) Examiner: T. Hoang
)
Filed: November 26, 2003)
) Confirmation No.: 2752
For: ENDOSCOPIC VISION SYSTEM)
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, **Boston Scientific Scimed, Inc.**, duly organized under the laws of Minnesota and having its principal place of business at One Scimed Place, Maple Grove, Minnesota 55311-1566, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 10/722,141, filed November 26, 2003 for Endoscopic Vision System in the names of Jeffrey M. Wendlandt and Mark L. Adams, as indicated by the following:

(1) The assignment in the parent application, U.S. Patent Application No. 09/768,337, filed May 18, 2004 from the inventors to **SciMed Life Systems, Inc.**, the assignment duly recorded in the United States Patent and Trademark Office at Reel

011481, Frame 0922 on January 25, 2001; and

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(2) The recordation form cover sheet and Articles of Merger of Boston Scientific Scimed, Inc. with and into and SciMed Life Systems, Inc., with Exhibits 1 and A, filed concurrently herewith and evidencing the name change of SciMed Life Systems, Inc. to **Boston Scientific Scimed, Inc.**

Assignee, **Boston Scientific Scimed, Inc.**, further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent No. 6,736,773 B2, as indicated by:

(1) The assignment from the inventors to **SciMed Life Systems, Inc.** duly recorded in the United States Patent and Trademark Office at Reel 011481, Frame 0922 on January 25, 2001; and

(2) The recordation form cover sheet and Articles of Merger of Boston Scientific Scimed, Inc. with and into and SciMed Life Systems, Inc., with Exhibits 1 and A, filed concurrently herewith and evidencing the name change of SciMed Life Systems, Inc. to **Boston Scientific Scimed, Inc.**

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent No. 6,736,773 B2, Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

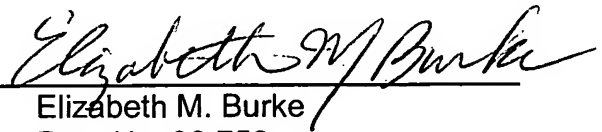
If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 1, 2005

By: 
Elizabeth M. Burke
Reg. No. 38,758